

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/2010 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 8-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Koenig (US 5,555,071 Koenig et al).

Regarding **claim 1**, Koenig discloses a digital camera (Koenig, fig. 3) comprising:

a photosensitive region (electronic sensor) for recording an optical image (Koenig, column 2 line 30, wherein an electronic sensor is used in a camera);

a controllable shutter (shutter 28) for exposing the photosensitive region and for simulating an actual image acquisition without actually acquiring the image or exposing the photosensitive region (delay of shutter actuation prevents exposing the electronic sensor) (Koenig, fig. 3, column 2 lines 25-44, column 2 lines 40-44, column 3 lines 25-30, wherein after the shutter button is pressed, delay of shutter actuation is performed and wherein the shutter opens and closes to record images); and

a timer (self-timer included in microprocessor 26), the timer providing a selected time delay (ten seconds) between two or more acquisition simulated optical image acquisitions (flashes of LED 18) and an actual image acquisition (an image when the shutter opens and closes), (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image is captured), wherein the simulation simulates the actual image acquisition without actually acquiring the image to get the attention of a subject being captured in the image (flashing ON/OFF of LED 18 during delay time indicates imminence of picture taking) and the actual image acquisition (an image when the shutter opens and closes) captures the image immediately following the simulation (Koenig, column 3 lines 15-30, wherein an image is taken after the self-timer count is completed).

Regarding **claim 8**, same ground of rejection as in claim 1 is applied.

Regarding **claim 13**, Koenig discloses aforementioned limitations of the parent claim. Additionally, Koenig discloses

a first mode of operation (without the self-timer circuit), the digital camera in the first mode of operation acquiring an image of the subject in response to user input (Koenig, column 2 lines 25-31, wherein self-timer circuit is not used); and

a second mode of operation (with the self-timer circuit), the digital camera simulating acquiring an image of the subject (flashes of LED 18) in response to user input in the second mode of operation, the digital camera acquiring an image at a preselected time (10 seconds) after the simulating acquiring an image (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image is captured).

Regarding **claim 14**, Koenig discloses aforementioned limitations of the parent claim. Additionally, Koenig discloses

a first mode of operation (without the self-timer circuit), the digital camera acquiring an image of the subject in response to user input in the first mode of operation (Koenig, column 2 lines 25-31, wherein self-timer circuit is not used); and

a second mode of operation (with the self-timer circuit), the digital camera selecting for acquisition an image of the subject having predetermined features (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image with predetermined features is captured).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenig (US 5,555,071 Koenig et al) in view of Kawabata (US 6,317,560 to Kawabata et al).

Regarding **claim 2**, Koenig discloses aforementioned limitations of the parent claim. Additionally, Koenig discloses

simulated image acquisition is accompanied by flashing ON/OFF the LED 18 (Koenig, column 3 lines 15-30, wherein delay of 10 seconds during which LED 18 flashes is applied before an image is captured).

However, Koenig does not disclose

sounds of typical shutter operation.

On the other hand, Kawabata discloses

sounds of typical shutter operation (shutter sound), (Kawabata, column 14 lines 15-26, wherein shutter sound is generated).

Therefore, it would have been obvious to a person of ordinary skills in the art to implement the sounds of typical shutter operation by Kawabata into the camera by Koenig such that simulated image acquisition is accompanied by sounds of typical shutter operation because such implementation helps to guide a person by sound effects during a photographing operation (Kawabata, column 14 lines 15-26).

Regarding **claim 3**, Koenig discloses aforementioned limitations of the parent claim. Additionally, Koenig discloses

a flash mechanism (flash 12) (Koenig, fig. 3).

However, Koenig does not disclose

the flash mechanism receiving a low-power activation during the simulated image acquisition.

On the other hand, Kawabata discloses

lighting system receiving a low-power activation (moderate lighting) during the simulated image acquisition (Kawabata, fig. 1, column 3 lines 1-5, wherein moderate lighting is used between photographing period).

Therefore, it would have been obvious to a person of ordinary skills in the art to implement the lighting system by Kawabata into the camera by Koenig so as to obtain the flash mechanism receiving a low-power activation during the simulated image acquisition because such implementation provides comfortable psychological effect on a person to be photographed between photographing periods.

Regarding **claim 9**, grounds of rejection of claim 2 and 3 are applied.

Claims 10-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenig (US 5,555,071 Koenig et al) in view of Chatani et al (U.S. Pub. 2004/0075743 A1).

Regarding **claim 10**, Koenig discloses aforementioned limitations of the parent claims.

However, Koenig does not disclose

providing a program associated with a processing unit for identifying the predetermined features;

acquiring a series of images and applying the images to the processing unit; and

analyzing the images using the program.

On the other hand, Chatani et al discloses

providing a program associated with a processing unit (306) for identifying the predetermined features (see Chatani et al, Fig. 3, paragraph [0012], wherein a computer program obtains image selection parameters);

acquiring a series of images and applying the images to the processing unit (see Chatani et al, paragraph [0011], wherein the imaging device is capable of capturing image data for a plurality of digital images); and

analyzing the images using the program, (see Chatani et al, Fig. 8 step 808, wherein subset of images with specified parameters is generated).

Therefore, it would have been obvious to an artisan to combine image analysis by using the program as disclosed by Chatani et al with the method as disclosed by Koenig in order to analyze a series of images because such combination provides automatic selection of digital photographs based on user provided criteria and allows user to preview images under various conditions, (Chatani et al, paragraph [0009]).

As for **claim 11**, as previously mentioned in the discussion of claim 10, Koenig and Chatani et al disclose all of the limitations of the parent claim. In addition, Chatani et al discloses

an acquired image, in which the predetermined feature is identified, is stored, (see Chatani et al, Fig. 4, wherein image in the buffer 410 is stored in memory 412).

As for **claim 12**, as previously mentioned in the discussion of claim 10, Koenig and Chatani et al disclose all of the limitations of the parent claim. In addition, Chatani et al discloses

the acquiring of a series images is provided in response to signals from a timing unit (see Chatani et al, paragraphs [0007] and [0011], wherein multiple images are capture in high rate photography).

Regarding **claim 15**, Koenig discloses all of the limitations of the parent claim. However, Koenig does not disclose

the predetermined features are determined by a pattern recognition program

On the other hand, Chatani discloses

the predetermined features are determined by a pattern recognition program (see Chatani et al, paragraphs [0011] and [0012], wherein image selection parameters are entered).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with specified parameter as described by Chatani et al with the digital camera as described by Koenig in order to selectively store desired images because such combination saves time to search through a whole image database for a certain image.

Regarding **claim 16**, Koenig disclose all of the limitations of the parent claim. However, Koenig does not disclose

the predetermined features are facial expression.

On the other hand, Chatani discloses
the predetermined features are facial expression (see Chatani et al, paragraph [0053], wherein semantic parameters include closed eyes, crossed eye)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine image capture with semantic parameters as described by Chatani et al with the digital camera as described by Koenig in order to selectively store desired images because such combination saves time to search through a whole image database for a certain image.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. LE whose telephone number is (571)270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan H Le/

Examiner, Art Unit 2622

/Jason Chan/

Supervisory Patent Examiner, Art Unit 2622